OF THE

HAWAIIAN ISLANDS: Session of 1861.

AN ACT TO REPEAL CHAPTER 10 OF THE CAVIL CODE, AND TO REGULATE THE EU. REAU OF PUBLIC INSTRUCTION. BE IT ENACTED, By the King and Legislative

Assembly of the Hawaiian Islands, in the Legislature of the Kingdom assembled : SECTION 1. That chapter 10, containing sections 693 to 767, both inclusive, of the Civil

Code, be and the same is hereby repealed. SEC. 2. There shall be an executive bureau, to be styled the Bureau of Public Instruction, which shall be superintended and directed by a committee of the Privy Council, to consist of five members, and to be called the Board of Education. The members of the said Board shall be chosen by the King, and one of their members shall by him be appointed President, and shall serve without pay. But no person in holy orders, or a minister of religion, shall be appointed to fill the office of President. In the absence of the President, a member of the Board acting as Vice President pro tem., shall preside over its

Sec. 3. The said Board shall have entire charge and control of the Bureau of Public Instruction; shall superintend the execution of all laws relating thereto; shall have the power to make its own by-laws, not in contravention of the laws of this Kingdom; shall keep regular records of its proceedings, and make a report, through its President, of the business and transactions of the Bureau, to the Legislature at each

of its regular sessions. Sec. 4. The said Beard may, from time to time, adopt rules for the internal regulation and management of the Common Schools, and of all schools supported by Government, not inconsis-tent with any law of this Kingdom, which rules, when made known, shall be obligatory upon teachers and scholars alike, and in all matters the Board shall have full administrative power in everything connected with education conducted at the expense of the public.

Sec. 5. For the purposes of this Act, the said Board shall possess the power and privileges of a

corporation. Sgc. 6. The President of the said Board shall keep an office at the Seat of Government, and shall sign all official documents of the Board in order to their validity, and he shall be authorized to employ a clerk to assist him in the discharge of his duties, whose salary shall be such as the Legislature may from time to time deter-

Sec. 7. The seal of the Bureau of Public Instruction shall be such as may be approved by the Board of Education, and copies of all documents belonging to the said Board, certified by the President and impressed with such seal, shall be as valid evidence in any Court of law as the original.

OF THE COMMON SCHOOLS. Sec. 8. The object of the Common Schools supported by Government is to instruct the children of the nation in good morals, and in the rudiments of reading, writing, geography, arithmetic, and of other kindred elementary branches.

SEC. 9. For the purposes of education, the Kingdom is divided into School Districts, the boundaries of which are the same as those of the taxation districts, that is to say : The Island of | two dollars, or imprisonment at hard labor for a Hawaii shall be divided into eight uniform School Districts, as follows: 1, Hilo; 2, Puna; 3, Kau; 4, South Kona; 5, North Kona; 6, South Kohala; 7, North Kohala; 8, Hamakua. The Island of Mani shall be divided as follows: 1, No person shall teach in them who has not refrom Kahakuloa to Ukumehame, including Ka- ceived a certificate, and no person shall receive a heolawe; 2, from Waihee to Honnaula, inclusive; 3, Kahikinui, Kaupo, Kipahulu, Hana, Koolau: 4, Hamakualoa, Hamakuapoko, Haliimaile, Makawao and Kula; 5, Molokai; 6, Lanai. The Island of Oahu shall be divided as follows: 1, from Maunalua to Moanalua, inclusive; 2, Ewa and Waianae; 3, Waialua; 4, | that any teacher whose certificate has been can-Koolauloa; 5, Koolaupoko. The Island of Kauai shall be divided as follows: 1, from Nualolo to Hanapepe, inclusive; 2, from Wahiawa to Mahaulepu, inclusive; 3, from Kipu to Kamalomalo, inclusive; 4, from Kalihiwai to Honopu, inclusive; 6, Niihau.

Sec. 10. The above districts may be sub-divided by the Board of Education, or their boundaries fixed by geographical lines, for greater convenience and efficiency in conducting the Public Schools, and the Board of Education shall be empowered to determine what daily average at-Common Schools in general, and also to decide upon a larger or smaller average daily attendance | ticular cases. throughout the year as the rule to guide in the case of any individual school.

OF THE INSPECTOR-GENERAL. Sec. 11. The Board of Education shall appoint, from among their own number or otherwise, an Inspector-General of Schools, to hold office during the pleasure of the said Board, and who shall receive such salary as the Legislature shall, from time to time, determine. Provided, however, that no person in holy orders, or minister of religion, shall be eligible to fill the office of Inspector-General.

Sec. 12. It shall be the special duty of the Inspector-General of Schools to make frequent tours of the respective Islands and districts, to examine into the condition of the schools supported or aided by the Government, to inform school officers and teachers of their several duties under the law, and to foster generally an interest in the cause of education.

SEC. 13. The Inspector-General of Schools shall be invested by the Board of Education with discretionary powers, such as the opening and closing of schools, the appointment and dismissal of school teachers; the arranging or rearranging of the studies to be pursued, and the prominence to be given to any particular branch of learning; he shall also have full authority to examine the books, vouchers and accounts of the School Agent and local Board of Trustees; to order reto hold competitive examinations among those | such charter annulled. give certificates of approval to those found comtrusted to him by the Board of Education, he without assistance from the Government; pro-chall act temporarily with the same authority as vided, they be not of an immoral tendency. The Sec. 43. The necessary expenses of making though the Board itself were acting in the matter, and of all such doings in the name of the judgment, may approve or disapprove of all or schools. any of his acts thus temporarily performed in its of ENGLISH SCHOOLS FOR HAWAHAN BOYS AND

OF SCHOOL AGENTS. Sec. 14. The Board of Education shall appoint, in such of the School Districts, an officer to be called a School Agent, to whom, under the Board and the Inspector-General of Schools, shall be principally entrusted the execution of all the acts, orders, instructions and regulations of the Board of Education and of the Inspector-General of Schools, pending the approval of the Board; and the said Agents shall be continued in office during the pleasure of the Board of Education.

SEC. 15. The pay of the School Agents shall be such as the Board of Education shall, from time to time, determine; it being understood that the pay of the several School Agents may more have full power to arrange all the details so appointed, proper and sufficient publication vary in view of the value or amounts of services

performed. Treasurers of the School Fund in their respective this section. districts, and shall safely keep and properly apply said fund, in such manner as they shall be

spector-General; and, for the faithful performance of their duty, they shall give bonds for such an amount and with such security as the Board of Education shall approve and require.

Sec. 17. The several School Agents shall, under the Board of Education, be the trustees of all the school property in their respective districts, and shall severally have the power to sue and be sued in any Court of the Kingdom. The schoolhouses in the respective districts shall be especi- | may be, set apart for the general purposes of edally under the care of the School Agents, and | ucation. they shall, as far as possible, preserve the same from injury and decay, and when occasion requires, call the attention of the Inspector-General, or directly of the Board of Education, to such steps as seem necessary to that object.

OF DISTRICT SCHOOL BOARDS. Sec. 18. In each of the School Districts, as hereinbefore prescribed, there shall be a School Board, to consist, ex officio, of the School Agent, the District Justice and the Tax Collector of the district. Each of the members of the School Board shall, at any time, be authorized to call a meeting of the Board to which he belongs, for the purpose of discussing the material and other interests of the educational system in their districts, and it shall be incumbent on the School Agents, whenever required to do so, to show to both or either of his colleagues his book of accounts, and all documents explanatory of his official doings. At all times, when the other members of the School Board shall conjointly require it, the School Agent shall prove to them that the funds in his keeping coincide in amounts. with the showing of his account-books. It shall be the duty of the other members of the School Board, at all times, to reasonably assist the School Agent in the execution of his duty, and, in order to do so, they shall afford him any information of which they are officially possessed, d such a nature as to be of service to him, and they shall lend him help in the execution of his office, especially when illness or a temporary absence shall render such aid necessary.

OF THE SCHOOL REVENUE. Sec. 19. The revenue for the support of Goyernment schools shall be derived from direct appropriations by the Legislature, from the interest accruing on the School Lands and from the School Tax, as provided in section 486 of the Civil Code, and it shall be the duty of the Board of Education to present, through its President, to the Legislature, at each regular session, an account of the receipts and disbursements of the School Revenue for the two fiscal years, ending on the 31st day of the month of March of every

OF ATTENDANCE. Sec. 20. It shall be incumbent on all parents, guardians and adopters of children to send such children, from their sixth to their fifteenth years, to some lawful school, public or private, to be instructed in good morals and elementary

Sec. 21. If any child shall persist in absenting himself from school, any Police or District stice shall upon proper complaint being made by the school teacher, the School agent or the Inspector-General, cause the father or mother, or guardian or adoptive parent of the child, together with the child, to be arrested, and, upon its being proved that the person responsible for the child, as a minor, has not used proper diligence to enforce the child's regular attendance at school, the said responsible party shall be fined by the said Police or District Justice in a sum not exceeding five dollars; and, in default thereof, he subjected to imprisonment at hard labor for a term not to exceed fourteen days; and, in case the child shall prove the offending party, the Police or District Justice shall send him to a reformatory and industrial school, for a term not less than one month nor more than six months, or otherwise sentence him to a fine not exceeding term not exceeding ten days.

OF TEACHERS OF COMMON SCHOOLS, Sec. 22. The Teachers of Common Schools shall be certificated by the Inspector-General. certificate without baving exhibited satisfactory evidence of good moral character and qualification to teach; and every certificate so granted may be canceled, uyon grounds which shall apceled by the Inspector-General may lay his case before the Board, in the shape of an appeal from the decision of the Inspector-General.

shall be appointed by the Inspector-General, and, in case of emergency, by the District School Board; and they shall be removable only by the Inspector-General or the Board of Education. Sec. 24. Each teacher shall have power to administer necessary and tersonable punishment

Sec. 23. The teachers of the Common Schools

upon the pupils of his school, and shall not in any way be punishable for so doing. tendance of scholars throughout the year shall be Sec. 25. The pay of the teachers of the Com-held sufficient for the continuance of Government mon Schools shall be such as the Board of Education shall determine generally, or to suit par-

> OF BOOKS AND STATIONERY. Sec. 26. The Board of Education shall, from time to time, furnish to the respective School Agents such books and stationery as, in the opinion of the said Board, may be needed for the use of the Common Schools, and shall make such arrangements and provisions as shall to the Beard seem best adapted to secure payment for those

> OF INSTITUTIONS ENDOWED BY GOVERNMENT AND SELECT SCHOOLS.

Sec. 27. Every literary institution, seminary of learning or select school, supported by Government, shall be under the superintendence, control and direction of the Board of Education ; provided, always, that where such institution, seminary or select school is endowed or supported in part only by the Government, the Board of Education shall not, unless expressly authorized of the inhabitants of the Kingdom, to be by law, have the absolute control and direction | laid before the King and Legislature for their of the same, but only a gen ral oversight, with the right to visit and to inquire into its general condition and operation, and to see that the objects of the public endowment or support are other particulars as the Board of Education may faithfully executed.

Sec. 28. Whenever the Board of Education | the population. shall be satisfied that the charter of any literary institution has been violated, it shall be the duty | carry into execution the designs of the last preof the President of said Board to report such violation to the Attorney-General, and said Attor- all proper and necessary inquiries; and all perpairs of Government school-houses and premises, ney-General shall take immediate steps to have sons are required, under pain of a fine, not to ex-

desirous of serving as school teachers, and to Sec. 29. Nothing in this Act contained shall or Police Justice, to answer to the best of their petent, and in these, and in all other matters en- | select and independent schools, to be supported | agents of the Board, relating to, or necessary for, teachers of such schools shall an ually report to any census shall be paid by the Minister of Fithe Board of Education the number of their nance, upon the order of the Board of Education, Board he shall render, in person or in writing, a distinct statement to the Board, which, in its scholars, by what means supported, and the genout of any moneys appropriated by the Legisla-

GIRLS. Education to contribute out of the funds at its | deaths and marriages in his district, he being disposal towards the establishment of one or provided by the Board of Education with suitamore boarding-schools for the instruction of Ha-, ble books and blanks for that purpose; and be waiian boys in the English language, and other | shall, at the expiration of each six months, make branches of education.

remove, when it deems proper to do so, the mas- in his duties as Registrar by the other members ters and teachers, and shall determine in what | of the District School Board, as hereinbefore orcases the boys shall be admitted free of charge, | ganized, and shall have power to appoint suitable and in what cases the parents or guardians of the persons to act as sub-agents in keeping a faithful children shall contribute toward their support, registry of births, deaths and marriages in his and to what extent. The Board shall further- | district; and of the names of all the sub-agents necessary for the encouragement of good morals, | shall be made throughout the district. sound bodily health and useful education in the | Sec. 46. It shall be the duty of every person Sec. 16. The School Agents shall be ex officio school or schools established in conformity with authorized according to law to perform the mar-

SEC. 31. The Board of Education shall also | the district the names of all persons married by

family schools for Hawaiian girls, whether estab- | if not living, or if the child be illegitimate, upon lished by the Board or by private individuals, and, i fostering such schools, it shall enjoy the | such child, to notify some Registrar of births and fullest discretionary power.

OF SCHOOL-LANDS, ECHOOL-HOUSES AND CHURCH-

authorized to dispose, by sale, lease or otherwise, of any of the lands which have been, or hereafter

Sec. 33. All moneys and other avails of Government lands, set apart for the general purposes of education, shall be kept as a separate fund, and the interest only of such fund shall be appropriated, as the Board of Education shall from time to time decide, for the purposes of ed-

Sec. 34. All avails of land sold, leased, or otherwise disposed of, as herein before provided. shall be accounted for by the Board of Education

in its report to the Legislature. SEC. 35. All sites for school-houses and houses for public worship, not owned by private parties, societies or corporations, and all lands onnected therewith, which have been granted by or to the Government, for the purpose of promoting the interests of education or religion, shall be reserved as Government property, so long as they are devoted to the purposes for which they were granted, and shall be under the charge and control of the Board of Education; and, in case they shall cease to be used for the purposes for which they were granted, for not less than one year, they shall revert to the original grantors or their representatives. In all cases where lands are sold, or otherwise disposed of, the sites for school-houses and houses of public worship shall not be included in such sale or disposition.

Sec. 36. In all cases where the sites and school-lands, mentioned in the last preceding section, constitute a part of the lands held in common by the Government and individuals, such sites and school-lands shall be regarded as making a part of the Government portion of the land held in common, and shall be so regarded in every sale or disposition of the lands in which they are located.

Sec. 37. Where a site for a school-house is needed, and the same cannot be as well located on Government land as upon that of a private individual, the School Agent of the District is authorized to take a suitable lot, not exceeding one half acre, as a site for such school-house, first paying to the owner the value thereof; such value, in case of disagreement, shall be determined by a jury of three men, to be chosen, one by the School Agent, one by the owner of the land, and the third by the two already chosen by the School Agent and owner. The said jury shall have the power to locate the lot desired for the school-house in a place different from that chosen by the School Agent, should they deem it more reasonable and proper; provided, however, that it shall not be lawful to appropriate for such purpose any private burying-ground or house-lot, against the will of the owner thereof. Sec. 38. The Board of Education shall have all the School Lands and sites for schools and churches mentioned in this Act, so far as practlcable, properly surveyed and registered in a book, to be deposited in their office for the use of the King's Government, and open to the inspection of private individuals desiring to examine the same. The expense of such surveys shall be defrayed out of the interest arising from the avails of the School Lands.

DUTIES. Sec. 39. It shall be the duty of all children, within the years of legal majority, to obey all the lawful and moral commands of their parents, respecting first, as most obligatory, those of the father, and next those of the mother, and, if adopted, as by law allowed, the lawful and moral commands of the parents by adoption, and, in default of natural or adopted parents, the lawful and moral commands of the guardians appointed according to law. And in case of continued, wilful and obstinate disobedience on the part of a child, it shall be lawful for any Police or District Justice, upon complaint being made by any parent or guardian, to cause the said child to be arrested and brought before him. And should it appear to the said Justice that such child is guilty of continued, wilful and obstinate disobedience, he shall sentence the said child to imprisonment at hard labor, for a term not exceeding ten days; provided, however, that no child under ten years of age shall be amenable to the provisions of this

GENERAL PROVISIONS OF THE PARENTAL AND FILIAL

Sec. 40. Parents, that is to say, first the father and then the mother, or, in case they be both dead, guardians, legally appointed, shall have control over the actions, the conduct and the education of their children within the years of legal majority. They shall have the right, at all times, to recover possession of their children by habeas corpus, and to chastise them moderately for their good; and it shall be the duty of all parents and guardians to set a good example before their children; to provide, to the best of their ability, for their support and education; to see that they are instructed in a knowledge of the Christian religion; to use their best endeavors to keep them from all idleness and vice of all kinds, and to inculcate upon them liabits of inlastry, economy and loyalty; and it shall be lawful for any Judge of the Supreme Court, or of any Circuit Court of this Kingdom, on a complaint being laid before him against any parents, that he or she is encouraging their children in ignorance and vice, to summon such parents before him, and, upon its being proved to his satisfaction, to bind out such child within the years of legal majority, to some person of good moral character; to be well supported, trained to good habits, and taught at least the rudiments of OF THE CENSUS

Sec. 41. It shall be the duty of the Board of Education, every sixth year, counting from the year 1860, to make a complete census consideration; every census shall comprise, in distinct columns, the number of inhabitants in each district, the number of each sex, and such direct, and shall show the increase or decrease of

Sec 42. To enable the Board of Education to ceding section, it is hereby authorized to make ceed five dollars, to be imposed by any District se construed to forbid the free establishment of | knowledge all such questions propounded by the

OF THE REGISTRY OF BIRTHS, DEATHS AND MAR-

RIAGES. Sec. 44. The School Agents of each district

Sec. 30. It shall be lawful for the Board of | shall exercise the office of Registrar of births, a report of the births, deaths and marriages in The Board shall determine upon the course of his district to the Board of Education. education to be followed, shall appoint, pay and SEC. 45. The School Agent shall be assisted

riage ceremony, to report to the School Agent of ply said fund, in such manner as they shall be contribute, to the greatest extent that the means him; and it shall be incumbent upon the father, at its disposal will allow, towards the support of if living, of any child born in this Kingdom, and

the mother, within one month after the birth of deaths in the district of the name and sex and date of the birth of said child. It shall also be incumbent on any minister of the gospel, offici-Sec. 32. The Board of Education is hereby | ating at burials, any undertaker, or the nearest relation of legal age, of any deceased person, to notify some Registrar of births and deaths in his district of the name and sex of the deceased, within one week after such decease. Any noglect to make such notification shall subject the delinquent, on conviction before any Police or District Justice, to a fine of one dollar, to go for

> the benefit of the Registrar. Sec. 47. It shall be the duty of the Minister of the Interior, upon the nomination of the Board of Education, to appoint a suitable number of agents in the several districts of the Kingdom, whose duty it shall be to grant marriage licenses, agreeably with the laws; which agents shall be entitled to a fee of twenty-five cents for each license, to be paid by the party applying therefor. Any such agent who shall charge more than that amount for any such license, or who shall receive a bribe for the same, shall be liable to a fine not exceeding fifty dollars, upon conviction before any Pelice or District Justice.

> Sec. 48. It shall be the duty of the Board of Education to furnish the agents aforesaid with the necessary blanks for marriage licenses; and it shall be the duty of said agents, at the close of each year, to transmit a copy of all the licenses granted by them during the year, to the said Board, who shall preserve a record of the same; and the agents shall retain a copy of each license in their own possession.

SEC. 49. To enable the Board of Education to carry out the several objects contemplated in this Act, it shall be invested with full power to apportion and disburse the various moneys and avails devoted to the promotion of public education; that is to say, (1) the interest accruing on the School Fund, (2) the rents of School Lands, (3) the proceeds of the School Tax as provided in section 486 of the Civil Code, and (4) all appropriations that the Legislature may from time to time make for all or any of the purposes hereinbefore set forth. It shall also be entrusted with the management, control and disbursement of any properties or moneys that may be specially given or bequeathed by private individuals for the furtherance of all or any of the objects in this

Sec. 50. This law shall take effect at the expiration of two months from the date of its pas-

Approved this 10th day of January, A. D. KAMEHAMEHA R.

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Jaconet with fancy printed border, Jaccouet with lace border, Turkey Red and Yellows, Silk finish fancy Cotton, Silk Corah, fancy—7 in a piece; China Pongee Silk, fancy—10 in a piece; Silk Cravats—tient's black and fancy; Wool Comforters, wool Mittens, wool Plaids.

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Girls' white Cotton Hose, assorted sizes Boys' brown Cotton Half-hose, assorted sizes. Men's brown Half-hose, assorted qualities, Men's blue mixed Half-hose, Men's gray Merino Half-hose Sailor's heavy Wool Socks and Stockings.

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Iron Tinned Spurs with Leathers, Iron Tinned Bitts. Base danse send Hou.

Iron tinned Saue pans, Iron tinned Teakertles, Enameted fron Pots, Enameted Iron Kettles, Gulvanized Gas Pipes,

inch,

meh,

inch,

inch, Iron Coolers for sugar plantations, Ingots of Tin, Muntz's Yellow Metal, Composition Nails, Shots in bags, Nos. 4, 6, 8, 9, Casks Sheet Iron, Jew Sharps, Cheap Scissors, Butcher Knives, Sailors Pocher Knives, Forks and Knives

Bright Fencing Wire, Refined Bar Iron, Hoop Iron. Papierts and Papint Oil. Casks White Zinc Paint, in iron cans, 25 the;

Casks Green Faint, in Iron cans, 15 lbs; Kegs Venetian Red. each 100 lbs; Keg Yellow Ochre, each 100 iba; 1ran cans boiled Luisced Oil, each 4 gallons.

Groceries.

Cases English Pic Frants and Pickies, Boxes English Yellow Scap, Cases Stearine Candles, 4, 5, 6, 3, 10 to a pound; Kegs Crushed Sugar, Cases Louf Sugar, Kens and demolohus Vinegar Sman Candy, in place jara; Liquorice, Indigo Blue, Bologna Sansages, Westphalia Hams, Engs Black Pepper, Almords in shells, French Walnuts, Carraway Seed, Pearl Sago, Barley, Malaga, Raisina, Currants, Swiss Cheese, Prime Pork, Olive OII,

Spirits. Wines and Malt Liquors.

Baskets Genuine Holland Gin, Cases Holland Gin, Barrels Fine Brandy, Cases London Porter, Cases Lager Bier, Barrels Rhine Wine, Cases Superior Sherry, Cases Superior Port. Cases Superior Claret, Casks French Claret, " Medoc," Casks Sdanish Wine, "Benicarlo."

B. Ch. san app Ch.A. Cases Eau de Cougne, in eight corner buttles, Very superfor Eau de Cologne in casket bottles, Persumed Hair Olf, Perfumed Toilet Scap.

Crockery & Glassware. Cut Glass Wice and Lequer Glasses, Cut Glass Goblers, Cut Glass Tuesliters

Present Tumblers, Blue etgod Nappies Empty Demijohns, 1-2, 3, 4 gallons. Cordage.

Small Manilla Kope; i inch and I inch; Sall Twine in balls and skalnes, Tarrel Bussia Rope of all sizes. Call Vans. English Homp Canvas, Marine Duck,

Rayens Duck, fight and heavy. Sundries.

Brussels Carpet Bags, Brussels Floor Carpeting, Linen thick Towels, Brown linen Turkish Towels,

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